

REMARKS

Claims 1-12 are all the claims pending in the application and have been rejected under 35 U.S.C. § 102(b) as being anticipated by Chiaves (U.S. Patent No. 6,129,484). By way of this Amendment, Applicant has canceled claims 1-12 in favor of new claims 13-24, of which claims 13 and 18 are independent. For the following reasons, Applicant respectfully submits that the claims patentably distinguish over Chiaves - the '484 patent.

In summary, the Examiner states that the pending claims are rejected as being anticipated by the '484 patent, and that the method or process claims are inherent to the method of making the device of the '484 patent.

Mr. Chiaves is the inventor of the present application and of the main cited reference, the latter having been mentioned in the introductory portion of the present application in the form of the corresponding European patent application EP-A-861,358. It is submitted that the invention recited in the claims is significantly different from that which is disclosed in his Mr. Chiaves earlier patent - the '484 patent.

The '484 patent relates to a four-hinges structure having two hinges at the base (that is one hinge at the base of each side elements 5) and further two hinges interposed between each side element 5 and a central element 7. The two hinges at the opposite ends of the central element, are only active during the assembly of the structure, so that the structure, in the assembled condition in which, such two hinges are fixed, substantially acts as a two-hinge structure. These hinges are arranged at the less stressed sections of the portal frame structure where the bending moments change direction, that is where such moments are substantially null because they pass from a negative to a positive value.

The present invention as recited in the claims relates to a structure having, also during the assembly, only two hinges arranged at the base of each side element, and a fixed joint interposed between the side elements at the most stressed zone of the structure where the bending moments have a positive value. No hinge is provided at the other end of the side elements where they contact each other, but instead the side elements are fastened without any possibility of relative movement by means of a beam made above the cover portions thereof, which allows a reduction in the maximum bending moment of the structure, so that it is lighter and less expensive to manufacture.

To this purpose, the shape of the cover portions of the side elements of the present invention, as clearly defined now by the amended independent claims 13 and 18, is well different from the structure of the cover portions of the side elements of the '484 patent. In particular, each cover portion of the present invention defines an elongated cavity which is open upwards and is also axially open at its free end, and which extends substantially on the overall length of the cover portion in order to allow to cast a continuous concrete beam for fastening the opposite side elements. Differently, the cover portions of the '484 patent (as can be seen for example in figures 1 and 4 of such a patent) are closed at their free end, so that they do not allow to define, together with another cover portion arranged symmetrically, a continuous elongated channel for casting a continuous concrete beam adapted to fastened to each other the respective structural members.

With particular reference to amended claims 13 to 17, it is submitted that they refer to method steps which can not be used for making the device disclosed by Chiaves '484, first of all because the cover portions of the side elements of the present invention are arranged in substantial contact to each other while the cover portions of the '484 patent are separated by an

intermediate element and, in addition, because each cover portion of the present invention has an elongated cavity which defines a continuous elongated channel open upwards for casting the concrete beam for fastening two cover portions of opposite side members, while the shape of the cover elements of '484 patent do not allow to define a continuous channel if two side elements are arranged opposite to each other.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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